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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,699

04/16/2004

Azita M. Manson

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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

SAINT CYR, JEAN D

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

10/07/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,699	<b>Applicant(s)</b> MANSON ET AL.	
	<b>Examiner</b> JEAN D. SAINT CYR	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-17,32-34,37-46 and 2029 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-17,32-34,37-46 and 2029 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

#### **Continued Examination Under 37 CFR 1.114.**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/03/2008 has been entered.

#### **Claims Rejections- 35 U.S.C 112, Second Paragraph**

The term "substantially equal" in claims 16, 17, 20, 28, 29, 32, 46 is a relative term which renders the claim indefinite. The term "substantially equal" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Because of that term, those claims are vague and indefinite.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-2, 5-17, 20-29, 32-34, 37-38, 40-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al in view of Goodman et al, US No. 20030101210.

Re claim 1, Shoff et al disclose receiving from a remote location(receiving video stream from headend, col.8, line 9) trigger attribute(see table 2, trigger reference) data identifying at least one display attribute of an interactive icon(see fig.6, element 62, display icon indicating interactive; the viewer computing unit also depicts a small icon or order indicia to alert the viewer the program is interactive, col.3, lines 21-23), wherein the trigger attribute data is comprises of a portion that complies with an ATVEF ,Advanced Television Enhancement Forum, standard(the following is a simple example of a start tag for an HTML hyperlink <HREF="http://www.microsoft.com/upgrade">, col.13, lines 1-4) and a portion that is not defined by an ATVEF standard, wherein the portion that is not defined by the ATVEF standard includes at least a sleep time duration indicator(the icon can be displayed throughout the program or faded out after a set time period, col.9, lines 45-46; fade out means sleep mode);

responsive to receiving the trigger attribute data, causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed(The viewer computing unit also depicts a small icon or other indicia to alert the viewer that the program is interactive, paragraph 19): until receiving user input selecting the interactive icon, for a plurality of time periods via a display device, wherein each of the plurality of time periods is interspaced by a sleep time duration during which display of the interactive icon is suspended, the sleep time duration corresponding to the sleep time duration indicator;

receiving user input selecting the interactive icon(If the viewer decides to enter into an interactive mode, the viewer employs a remote control handset, mouse, keyboard, or other mechanism to actuate the icon 204, col.9, lines 54-56); and

responsive to receiving the user input, providing a television presentation enhancement(This causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure, col.9, lines 56-58).

But Shoff et al did not explicitly disclose until receiving user input selecting the interactive icon, for a plurality of time periods via a display device, wherein each of the plurality of time periods is interspaced by a sleep time duration during which display of the interactive icon is suspended, the sleep time duration corresponding to the sleep time duration indicator.

However, Goodman et al disclose this reminder could take various known forms such as a blinking icon or periodically displaying one of the messages in FIG. 4 or a message "read Review Tonight folder". The reminder may also be an email message containing the reminder or URL or address of the file to be viewed later, 0026.

Because Goodman et al disclose that the reminder can be displayed periodically; it would have been obvious for any person of ordinary skill in the art at that time the invention was made to modify the system of Goodman for allowing interactive icon to be displayed periodically with a sleep time duration after each period.

Re claim 2, Shoff et al disclose wherein the interactive icon has at least one attribute not identified by the trigger attribute data (the target resource contains display layout instructions prescribing how the supplemental content and the video content program are to be appear in relation to one another when displayed on television or monitor, col.3, lines 39-42; that means the collation of the attribute as described in the specification; the icon can be displayed throughout the program or faded out after a set time period, col.9, lines 45-46; that means display time as described in the specification).

Re claim 5, Shoff et al disclose wherein the remote location (remote server, col.6, line 44) is a headend (centralized headend, col.4, line 16).

Re claim 6, Shoff et al disclose wherein the remote location is a content provider (content provider, col.8, line 49).

Re claim 7, Shoff et al disclose wherein the enhancement (enhance television program, col.3, line 30) comprises an advertisement (see fig.1, element 18, additional space; a third pane can be used to show additional data, such as advertisement or the like, col.2, lines 28-30; supplemental content includes trivia questions, advertisements, merchandise, col.5, lines 18-25)).

Re claim 8, Shoff et al disclose wherein the enhancement (enhance television program, col.3, line 30) comprises information about (information about the program, col.11, line 27) a television presentation (presentation format for presenting television program, col.3, line 56) that was displayed in conjunction (interactive functionality in conjunction with the associated video content program, col.9, line 67 and col.10, line 1) with the interactive icon (see fig.8a, element 204, icon; an icon is displayed to inform the viewer that the program is interactive compatible, col.9, lines 42-44).

Re claim 9, Shoff et al disclose wherein the enhancement (enhance television program, col.3, line 30) comprises data (internet data, col.2, line 34) that is received from a source (receive a video data from a program source, col.8, lines 12-13) identified (identifies a targeted document or resource, col5, line 46) by the trigger (trigger element, table 2, col.13, line 63) attribute data (attribute value, col.13, line 12).

Re claim 10, Shoff et al disclose wherein the source (program source, such as headend, broadcaster, or other program provider, col.8, lines 13-14) is accessible via the Internet (through the internet, users can access a wide variety of resources, col.1,

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lines 61-62) using a uniform resource locator (URL) that is identified by the trigger attribute data (a URL (universal resource locator, col.6, lines 29-36).

Re claim 11, Shoff et al disclose wherein the source (program source, such as headend, broadcaster, or other program provider, col.8, lines 13-14) is one of an Internet server, a broadcast file system, an object carousel, or a local storage device (see fig.4, element 42, continuous media server; content can be supplied locally by a storage medium such as a CD\_ROM, col.7, lines 61-62).

Re claim 12, Shoff et al disclose wherein the enhancement (see fig.2, element 52, enhanced content server) is downloaded (target resource is downloaded, col.3, line 43) using one of a hyper text transfer protocol (http), hyper text transfer protocol secure (https), file transfer protocol (ftp), trivial file transfer protocol (tftp), broadcast file system (bfs), digital storage media command and control (DSM-CC) object carousel (the letters "http" stand for Hypertext Transfer Protocol, col.6, line 42).

Re claim 13, Shoff et al disclose wherein the trigger attribute data identifies a display time window during which the interactive icon is to be displayed (see fig.8a, element 204, displayed icon; the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; see fig.6, step 162, display icon).

Re claim 14, Shoff et al disclose wherein the interactive icon is displayed responsive to a current time being within the display time window (see fig.9, element 254, timing requirement; timing information can be implemented in many different way, col.10, lines 9-10; start time to synchronize presentation of the supplemental content, col.10, lines 12-13).

Re claim 15, Shoff et al disclose wherein the trigger attribute data identifies a display time duration for displaying the interactive icon (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; that

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means the icon has a specific display time duration).

Re claim 16, Shoff et al disclose wherein the interactive icon is displayed (display an icon, col.9, line 36) for a time period (time period, col.9, line 46) that is substantially equal to the display time duration (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; that means the icon has a specific display time duration).

Re claim 17, Shoff et al disclose wherein the interactive icon is displayed (display an icon, col.9, line 36) for a plurality of time periods (a set time period, col.9, line 46; that means a set time period represents more than one time period), each of the plurality of time periods being substantially equal to the display time duration (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; that means the icon has a specific display time duration).

Re claim 18, Shoff et al disclose wherein the trigger attribute data identifies a sleep time duration for suspending display of the interactive icon (the icon can be displayed and faded out, col.9, lines 45-46; that means the is stopped displaying after a period of time).

Re claim 19, Shoff et al disclose wherein display of the interactive icon is suspended for a time period (the icon can be displayed and faded out, col.9, lines 45-46; that means the is stopped displaying after a period of time) that is substantially equal to the sleep time duration.

Re claim 20, is met as previously discussed with respect to claim 1.

Re claim 21, Shoff et al disclose wherein the trigger (trigger element, table



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2, col.13, line 63) attribute data (attribute value, col.13, line 12) identifies a screen (see fig.8a) location for displaying the interactive icon (see fig.6, element 62, display icon indicating interactive; the viewer computing unit also depicts a small icon or order indicia to alert the viewer the program is interactive, col.3, lines 21-23).

Re claim 22, Shoff et al disclose wherein the interactive icon is displayed at the screen location identified by the trigger attribute data (see fig.8c).

Re claim 23, is met as previously discussed with respect to claim 1.

Re claim 24, Shoff et al disclose further comprising memory (the set-top box has a memory, col.2, lines 65-66) for storing (EPG is stored in the memory, col2, line 67) at least one default value identifying a characteristic (category, col.12, line 21) of the interactive icon (a default mode of interactivity which contains the main menu functionality, col.11, lines 14-15).

Re claim 25, is met as previously discussed with respect to claim 13.

Re claim 26, is met as previously discussed with respect to claim 14.

Re claim 27, is met as previously discussed with respect to claim 15.

Re claim 28, is met as previously discussed with respect to claim 16.

Re claim 29, is met as previously discussed with respect to claim 17.

Re claim 32, is met as previously discussed with respect to claim 20.

Re claim 33, is met as previously discussed with respect to claim 21.

Re claim 34, is met as previously discussed with respect to claim 22.

Re claim 37, is met as previously discussed with respect to claim 5.

Re claim 38, is met as previously discussed with respect to claim 6.

Re claim 40, is met as previously discussed with respect to claim 7.

Re claim 41, is met as previously discussed with respect to claim 8.

Re claim 42, is met as previously discussed with respect to claim 9.

Re claim 43, is met as previously discussed with respect to claim 10.

Re claim 44, is met as previously discussed with respect to claim 11.

Re claim 45, is met as previously discussed with respect to claim 12.

Re claim 46, Shoff et al disclose receiving from a remote location((receiving video stream from headend, col.8, line 9) trigger attribute data(trigger element, table 2, col.13, line 63) identifying at least one display attribute of an interactive icon(see fig.6, element 62, display icon indicating interactive; the viewer computing unit also depicts a small icon or order indicia to alert the viewer the program is interactive, col.3, lines 21-23), wherein the trigger attribute data is comprises of a portion that complies with an ATVEF , Advanced Television Enhancement Forum, standard(the following is a simple example of a start tag for an HTML hyperlink

<HREF="http://www.microsoft.com/upgrade">, col.13, lines 1-4) and a portion that is not defined by an ATVEF standard, wherein the portion that is not defined by the ATVEF standard comprises at least a sleep time duration indicator(the icon can be displayed throughout the program or faded out after a set time period( col.9, lines 45-46);

responsive to receiving the trigger attribute data, causing an interactive icon having the at least one attribute identified by the trigger attribute data to be displayed via a display device(The viewer computing unit also depicts a small icon or other indicia to alert the viewer that the program is interactive, paragraph 19)for a plurality of time periods, wherein each of the plurality of time periods is interspaced by a sleep time duration during which display of the interactive icon is suspended, the sleep time duration corresponding to the sleep time duration indicator;

receiving user input selecting the interactive icon(If the viewer decides to enter into an interactive mode, the viewer employs a remote control handset, mouse, keyboard, or other mechanism to actuate the icon 204, col.9, lines 54-56); and

responsive to receiving the user input, providing a television presentation enhancement(this causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure, col.9, lines 56-58);

wherein the trigger attribute data corresponds to a trigger (trigger, col.14, line 27, table 2);

wherein the remote location is a headend (centralized headend, col.4, line 16), the display device is a television (see fig.2, element 28, television), and the user input is provided by a remote control device (see fig.2, element 30, remote control);

wherein the enhancement (enhance television program, col.3, line 30) comprises data that is received from a source identified by the trigger attribute data (trigger element, table 2, col.13, line 63);

wherein the source is accessible via the Internet (through the internet, users can access a wide variety of resources, col.1, lines 61-62) using a uniform resource locator,

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URL, that is identified by the trigger attribute data (a URL, universal resource locator, col.6, lines 29-36);

wherein the source(program source, such as headend, broadcaster, or other program provider, col.8, lines 13-14) is one of an Internet server, a broadcast file system, an object carousel, or a local storage device(see fig.4, element 42, continuous media server; content can be supplied locally by a storage medium such as a CD\_ROM, col.7, lines 61-62);

wherein the enhancement(see fig.2, element 52, enhanced content server ) is downloaded (target resource is downloaded, col.3, line 43)using one of a hyper text transfer protocol (http), a broadcast file system ,bfs, protocol, a digital storage media command and control ,DSM-CC, protocol, or a file transfer protocol ,ftp(the letters "http" stand for Hypertext Transfer Protocol, col.6, line 42);

wherein the trigger attribute data identifies a display time window during which the interactive icon is to be displayed(see fig.8a, element 204, displayed icon; the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; see fig.6,step 162, display icon);

wherein the interactive icon is displayed responsive to a current time being within the display time window(see fig.9, element 254, timing requirement; timing information can be implemented in many different way, col.10, lines 9-10; start time to synchronize presentation of the supplemental content,col.10, lines 12-13);

wherein the trigger attribute data identifies a display time duration for displaying the interactive icon (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; that means the icon has a specific display time duration);

wherein the interactive icon is displayed (display an icon, col.9, line 36) for a time period (time period, col.9, line 46) that is substantially equal to the display time duration (the icon can be displayed throughout the program, or fade out after a set time period, col.9, lines 45-46; that means the icon has a specific display time duration);

wherein the trigger attribute data identifies a sleep time duration for suspending display of the interactive icon (the icon can be displayed and faded out, col.9, lines 45-46; that means the is stopped displaying after a period of time);

wherein display of the interactive icon is suspended for a time period (the icon can be displayed and faded out, col.9, lines 45-46; that means the is stopped displaying after a period of time) that is substantially equal to the sleep time duration;

wherein the trigger attribute data identifies a screen location for displaying the interactive icon; wherein the interactive icon is displayed at the screen(screen,col.2, line 24) location(location, col.10, line 46) identified by the trigger attribute data(see fig.8c).

But Shoff et al did not disclose a plurality of time periods, wherein each of the plurality of time periods is interspaced by a sleep time duration during which display of the interactive icon is suspended, the sleep time duration corresponding to the sleep time duration indicator;

However, Goodman et al disclose this reminder could take various known forms such as a blinking icon or periodically displaying one of the messages in FIG. 4 or a message "read Review Tonight folder". The reminder may also be an email message containing the reminder or URL or address of the file to be viewed later, 0026.

Because Goodman et al disclose that the reminder can be displayed periodically; it would have been obvious for any person of ordinary skill in the art at that time the

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invention was made to modify the system of Goodman for allowing interactive icon to be displayed periodically with a sleep time duration after each period.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al in view of Goodman further in view of Heer et al, US No. 20050097600.

Re claim 39, Shoff et al did not explicitly disclose wherein the other apparatus is another STT.

However, Heer et al show in fig.1 more than one set-top boxes. That means the other apparatus could be another set-top box.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement the other apparatus is another STT into the system of Shoff. With that option, users will have the opportunities to receive attribute data from at least two set-top boxes.

### ***Conclusion***

Applicant's arguments with respect to claims 1-2, 5-17, 20-29, 32-34, 37-46 have been considered but are moot in of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. This office action is non-final

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcy whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or

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proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623